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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,566	04/09/2004	Kent Ashby	15499.443.5	1279

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RICHARD C GILMORE
Workman Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,566

Applicant(s)

ASHBY ET AL.

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-26 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9,14,16 and 27 is/are rejected.
- 7) ☒ Claim(s) 2,6,8,10-13,15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/9/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/13/05 & 3/10/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Request for Corrected filing Receipt

The request for corrected filing receipt needs to be submitted in a separate letter and not as part of the remarks/argument section. After submission of the separate letter, the appropriate party will review the continuing data information of the application.

Information Disclosure Statement

The references cited in the IDS filed March 10, 2005 have been crossed out because they have already been previously considered.

Drawings

The drawings are objected to because the lip (now recited in claim 4) is not designated by any reference numeral. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 9, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Johannsen. Johannsen teaches a table (Figs. 2 and 4) comprising: a table top (13), a frame with first and second side rails (21, long elements), four brackets (25) pivotally attached to a respective side rail and four legs (11) respectively attached to one of the brackets. In the extended positions of the legs, the rails extend between the table top and legs (see Fig. 5) and the legs are adjacent to a lower surface of the table top. When in the collapsed position, the legs are adjacent the rails; however, before the legs are extended to their vertical positions, they are placed in a position wherein they are spaced from the rails. First and second crossbars (21 short members) interconnect pairs of brackets together and the side rails together (via long

members 21). The brackets are "generally" disposed between the undersurface of the table top and a lower portion of an extending lip (see Fig. 5, 23) when the legs are extended, are "generally" aligned with the respective side rail when the legs are extended and are disposed at an angle relative to the respective side rails when collapsed.

Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Lou-Hao. Lou-Hao teaches a table (Fig. 3) comprising: a table top (12), a frame with first and second side rails (34,46), four brackets (56) pivotally attached to a respective side rail, four legs (20) respectively attached to one of the brackets, and first and second crossbars (28) interconnecting the side rails and being attached to the table top via clips.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johannsen in view of Williams. As stated above, Johannsen teaches the limitations of claim 1, including pivotally mounted legs under a table top. For claim 5, Johannsen fails to teach a drawer under the table top. Williams teaches the use of a drawer (69) under a table top. It would have been obvious to one of ordinary skill in the art at the time of

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the invention to modify the table of Johannsen by adding a drawer under its table top (between one or more of the rails and side edges of the table top), such as is taught by Williams, to provide a storage means under the table top.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johannsen in view of Heath. As stated above, Johannsen teaches the limitations of claim 1, including pivotally mounted legs under a table top. For claim 7, Johannsen fails to teach a locking pin to secure the first leg member in an extended position. Heath teaches the use of a pin (21) to secure a leg member (13) via its bracket (17) in an extended position. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the table of Johannsen by adding a locking pin on the legs and openings in its brace links, such as is taught by Heath, to provide a means to help hold the legs in their extended positions.

Allowable Subject Matter

Claims 21-26 and 28-32 are allowed.

Claims 2, 6, 8, 10-13, 15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

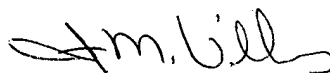
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
August 5, 2005


JANET M. WILKENS
PRIMARY EXAMINER
